

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

_____	X	
JON Q. WRIGHT & JQ LICENSING LLC	:	
	:	Case No.: 24-cv-4429-AHK
Plaintiffs,	:	
	:	
v.	:	
	:	
MOHAMED CHTIOUI, and the Individuals,	:	
Corporations, Limited Liability Companies,	:	
Partnerships, and Unincorporated Associations	:	
Identified on Schedule A to the Complaint.	:	
	:	
Defendants.	:	
_____	X	

AFFIRMATION OF DMITRY LAPIN, ESQ.

I, Dmitry Lapin, Esq., hereby affirm as follows:

1. I am an attorney at law and Senior Litigation Counsel with Axenfeld Law Group, LLC, attorneys of record for Plaintiffs. I am fully familiar with the facts, court papers, and proceedings of this action based upon a review of the file maintained by my office.
2. The action was commenced on June 10, 2024, wherein Plaintiffs alleged claims of copyright infringement, distributing products with false copyright management information (“CMI”), and providing false CMI, all in connection with the sale of infringing products across 50+ websites.
3. On June 10, 2024, Plaintiffs filed this action against. (ECF No. 1). On June 13, 2024, the Court entered a Temporary Restraining Order, an Order granting expedited discovery, and permitting alternative service of process via registered email. (ECF No. 10).

4. Through expedited discovery from internet service providers, Plaintiffs learned that Mohamed Chtioui (“Chtioui”) is the owner and operator of each of the subject websites. Plaintiffs then Amended the Complaint to name Chtioui as a defendant in this action.

5. On August 12, 2024, and in accordance with the Court’s June 13, 2024, Order permitting alternative service of process via registered e-mail, Plaintiffs served the Summons and Amended Complaint upon Chtioui at his last known e-mail address. (ECF No. 31).

6. The Amended Complaint was served prior to the service of the original Complaint.

7. The registered e-mail service provider – Rmail.com – has confirmed that the e-mail containing the Summons and Amended Complaint was delivered to Chtioui.

8. Chtioui initially engaged with my office regarding this matter but has since discontinued communication.

9. The time for Chtioui to answer or otherwise move with respect to the Amended Complaint herein, has expired.

10. Chtioui is not an infant, in the U.S. military, nor incompetent.

I declare, under penalty of perjury, that the foregoing is true and accurate to the best of my knowledge, information, and belief.

Respectfully submitted,

Date: January 3, 2025

By: /s/ Dmitry Lapin
Dmitry Lapin, Esq.
Axenfeld Law Group, LLC
2001 Market Street Suite 2500
Philadelphia, PA 19103
dmitry@axenfeldlaw.com
917-979-4570

Attorney for Plaintiff

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

JON Q. WRIGHT & JQ LICENSING LLC

Plaintiffs,

v.

MOHAMED CHTIOUI, and the Individuals,
Corporations, Limited Liability Companies,
Partnerships, and Unincorporated Associations
Identified on Schedule A to the Complaint.

Defendants.

X

:

:

:

:

:

:

:

:

:

:

:

:

:

X

Case No.: 24-cv-4429-AHK

MEMORANDUM OF LAW IN SUPPORT OF ENTRY OF DEFAULT

Plaintiffs Jon Q. Wright and JQ Licensing LLC (jointly “Plaintiffs”) by and through undersigned counsel, respectfully submits the following memorandum of law in support of the present motion for entry of default against Defendant Mohamed Chtioui (“Chtioui”).

I. PROCEDURAL HISTORY

This is an action for copyright infringement, brought against Chtioui, who owns and operates 50 websites wherein he unlawfully sold and/or offers for sale products bearing one or more of Plaintiffs’ artwork. On June 10, 2024, Plaintiffs filed this action. (ECF No. 1). On June 13, 2024, Hon. Torres entered a Temporary Restraining Order, an Order granting expedited discovery, and permitted alternative service of process via registered e-mail. (ECF No. 10). Plaintiffs then filed the First Amended Complaint, naming Chtioui as a Defendant. (ECF No. 25).

On August 12, 2024, and in accordance with the Court’s June 13, 2024, Order permitting alternative service of process via registered e-mail, Plaintiffs served the Summons and Amended Complaint upon Chtioui at his last known e-mail address. (ECF No. 31); *See also*, Declaration of

Dmitry Lapin (“Lapin Decl.”) ¶5. The Amended Complaint was served prior to the service of the original Complaint. *Id.*, ¶6. Chtioui has failed to file a responsive pleading or otherwise appear in this action. *Id.*, ¶9.

II. THE COURT SHOULD ENTER DEFAULT, OR DIRECT THE CLERK TO ENTER DEFAULT AS TO CHITOU

Rule 55 of the Federal Rules of Civil Procedure provides that “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend...the clerk shall enter the party’s default.” Fed. R. Civ. P. 55(a) (emphasis added). Under Local Rule 55.1(b), “the Court, on its own initiative, may enter default or direct the clerk to enter default.

Here, the Summons and Amended Complaint were served via registered e-mail to Chtioui, with confirmation of delivery to his active e-mail account. Lapin Decl. ¶¶5, 7. Additionally, Chtioui has previously communicated with Plaintiffs’ counsel through this e-mail account, but has since ceased communicating. *Id.*, ¶8. Chtioui is not an infant, in the U.S. military, nor incompetent. *Id.*, ¶10.

III. CONCLUSION

For the reasons set forth above, Plaintiffs respectfully request the Court enter default against Defendant Mohamed Chtioui, or in the alternative, direct the Clerk of Court to enter default against Defendant Mohamed Chtioui.

Dated: January 3, 2025

Respectfully submitted,

By: /s/ Dmitry Lapin
 Dmitry Lapin, Esq.
 Axenfeld Law Group, LLC
 2001 Market St. STE 2500
 Philadelphia, PA 19103
dmitry@axenfeldlaw.com
 917-979-4570

Attorney for Plaintiffs